

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

ORDER WR 2008 – 0023

In the Matter of Petition for Extension of Time

DIETER SIEGEMUND/SIEGEMUND FAMILY TRUST

Permit 20316 (Application 29327)

SOURCE: Unnamed Stream tributary to Icaria Creek thence Russian River

COUNTY: Sonoma County

**ORDER APPROVING PETITION FOR EXTENSION OF TIME
AND ISSUANCE OF AMENDED PERMIT**

BY THE BOARD:

1. The State Water Resources Control Board (State Water Board), Division of Water Rights (Division) issued Permit 20316 to Bruce Reuser (Permittee) on April 3, 1989, pursuant to Application 29327, and subsequently assigned the permit to Dieter Siegemund/Siegemund Family Trust on October 28, 1999. Permit 20316 authorizes storage of 6.4 acre-feet per year, to be collected from October 1 of each year to April 30 of the succeeding year.
2. The permit required that construction work be completed by December 31, 1992, and that the water be applied to the authorized use by December 31, 1993.
3. Division records show that Permittee has failed to complete the application of water to beneficial use within the time provided under the permit. Permittee states in the 1989 Progress Report by Permittee that construction of the dam and reservoir is complete and use of water has not commenced. Progress reports submitted between the periods of 1991 through 1993 indicate that the Permittee used water under the permit for irrigation of up to 1.3 acres.
4. On January 26, 1994, the Division received a petition for extension of time from the Permittee, which stated that 0.5 acre feet per annum (afa) of water had been used to irrigate 1.3 acres and that "water use will be increased as more land is planted and pipes are laid." The Division did not process this petition for extension of time because the petitioner did not submit the appropriate fees.
5. Progress reports submitted between the periods of 1994 and 1998 indicate that the reservoir spilled each year.

6. On November 18, 1998, Permittee filed a second petition for an extension of time within which to complete construction work and apply water to beneficial use. The Permittee submitted the appropriate fees. The petition for extension of time indicates that 2 afa of water had been put to beneficial use.
7. The Division issued a public notice of the petition for extension of time on March 17, 1999. Trout Unlimited of California (TUC) submitted a protest on April 19, 1999 based on environmental concerns.
8. Division staff conducted a field investigation to view the project and discuss TUC's concerns with the Permittee and a representative of TUC. The parties discussed the option of amending Permittee's diversion and imposing a bypass flow requirement. Subsequent to the field investigation, the parties agreed to terms regarding fish passage around the permitted dam and reservoir, minimum bypass flow, preparation of a compliance plan in regard to the bypass flow term, and a limitation on Permittee's riparian right. Protest issues were resolved by inclusion of permit terms confirmed in the Division's April 13, 2007 letter to the parties and included in this order.
9. The State Water Board may grant an extension of time within which to commence or complete construction work or apply water to beneficial use upon a showing of good cause. (Wat. Code, § 1398.) A permittee must show that (1) due diligence has been exercised; (2) failure to comply with previous time requirements has been occasioned by obstacles which could not be reasonably avoided; and (3) satisfactory progress will be made if an extension of time is granted. Lack of finances, occupation with other work, physical disability, and other conditions incident to the person and not to the enterprise will not generally be accepted as good cause for delay.
10. Permittee has shown that due diligence has been exercised. Permittee completed construction of the reservoir and dam in compliance with the terms and conditions and within the timeframe allotted under the permit. Permittee has submitted progress reports to the Division. The progress reports indicate that the Permittee had put water to beneficial use on approximately 1 acre of the place of use prior to December 31, 1993, the date by which complete application of the water to beneficial use was required in the permit. Permittee subsequently reported irrigating 3 acres and a maximum use of 6 afa.
11. Permittee has shown that failure to comply with previous time requirements has been occasioned by obstacles that could not be reasonably avoided. The current Permittee purchased the property in September of 1999 and diligently pursued the project. The three years allotted for construction of the project was not enough time to construct the dam and reservoir, demolish and remove the house and horse arena, and develop the place of use for the planting of grapes.
12. Permittee has shown that satisfactory progress will be made if a time extension is granted. The house and horse arena were converted to vineyard, and place of use was fully developed prior to September of 1999. Permittee has put to beneficial use the complete 6.3 acre-feet of water authorized under the permit as indicated by progress reports submitted in 1999 and 2000.

13. Permittee has shown good cause for the time extension.
14. Division staff conducted a hydrologic analysis of the flow related impacts associated with approval of the petition for extension of time. The hydrologic analysis is dated August 11, 2006, and is on file with the Division. Division staff analysis concluded that approval of the petition for extension of time, as conditioned, would not result in potentially significant impacts to anadromous fish or the environment.
15. The project is categorically exempt from the California Environmental Quality Act pursuant to California Code of Regulations, title 14, section 15301, because it consists of the minor alteration of an existing facility involving negligible expansion of an existing use. The Division will file a Notice of Exemption in accordance with the California Code of Regulations, title 14, section 15062 after issuance of this order.
16. To facilitate compliance with Water Code section 1605, a permit term will be added requiring Permittee to install an in-line meter to measure water withdrawal from the reservoir authorized by Permit 20316 and to maintain water diversion and use records.
17. Fish, wildlife, and plant species have been or may be listed under the federal Endangered Species Act and/or the California Endangered Species Act. A condition should be placed in the permit making the Permittee aware of obligations resulting from these acts.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Conditions 8 and 9 of the Permit are deleted and replaced with:

Construction work and complete application of the water to the authorized use shall be prosecuted with reasonable diligence and completed by December 31, 2010.

(0000009)

2. The following term shall be added to the Permit:

Permittee agrees to provide a fishway for the free passage of fish around the permitted dam and reservoir if it is determined by the Chief of the Division of Water Rights, following notification to the Division of Water Rights by the California Department of Fish and Game, that the dam authorized by this permit has become the only obstruction to anadromous fish migration for at least 1,000 feet upstream of the dam. If the requirement to provide a fishway under this permit term is invoked, then the Permittee, following consultation with the California Department of Fish and Game, shall submit a plan and a time schedule for construction of a fishway for review and approval by the Chief of the Division of Water Rights. The plan shall be in accordance with California Department of Fish and Game and National Marine Fisheries Service criteria for construction of fishways. The Permittee shall be responsible for installation, operation, and maintenance of any required fishway in accordance with the plan approved by the Chief of the Division of Water Rights.

If fish passage facilities required under this permit are rendered inoperable for any reason, the Permittee shall notify the Chief of the Division of Water Rights within

48 hours, and the diversion of water under this permit shall immediately cease until such time as the fish passage facility is made operable to the satisfaction of the Chief of the Division of Water Rights.

3. The following term shall be added to the Permit:

For the protection of fish and wildlife, Permittee shall during the period of October 1 through April 30 bypass a minimum of 0.58 cubic feet per second (cfs) as measured directly below the point of diversion. The total stream flow immediately upstream of the point of diversion shall be bypassed whenever the stream flow is less than 0.58 cfs. Outside the period of October 1 through April 30, the total stream flow immediately upstream of the point of diversion shall be bypassed to downstream reaches immediately below the point of diversion.

4. The following term shall be added to the Permit:

Within six months of the issuance of this order, the Permittee shall submit a Compliance Plan for approval by the Chief of the Division of Water Rights that will demonstrate compliance with the flow bypass terms specified in this permit. The Compliance Plan shall include the following:

- a) A description of the physical facilities (i.e., outlet pipes, siphons, pipelines, bypass ditches, splitter boxes, etc.) that will be constructed or have been constructed at the project site and will be used to bypass flow.
- b) A description of the gages and monitoring devices that will be installed or have been installed to measure stream flow and/or reservoir storage capacity.
- c) A time schedule for the installation of these facilities.
- d) A description of the frequency of data collection and the methods for recording bypass flows and storage levels.
- e) An operation and maintenance plan that will be used to maintain all facilities in good condition.

The Permittee shall be responsible for all costs associated with developing the Compliance Plan and installing and maintaining all flow bypass and monitoring facilities described in the Compliance Plan.

The monitoring data shall be maintained by the Permittee for ten years from the date of collection and made available to the Chief of the Division of Water Rights upon request.

Any non-compliance with the terms of the permit shall be reported by the Permittee promptly to the Chief of the Division of Water Rights.

Diversion and use of water prior to approval of the Compliance Plan and the installation of facilities specified in the Compliance Plan is not authorized.

(0000070)

5. The following term shall be added to the Permit:

Permittee shall not use water under the basis of riparian right on the place of use authorized by this permit.

6. The following term shall be added to the Permit:

Permittee shall install an in-line flow meter satisfactory to the Chief of the Division of Water Rights that measures the instantaneous rate and the cumulative amount of water withdrawn from the reservoir. This in-line flow meter must be maintained in operating condition as long as water is being diverted or used under this permit. Permittee shall maintain a record of the end-of-the-month meter readings and of the days of actual diversion, and shall submit these records with annual progress reports and whenever requested by the Division of Water Rights.

(0100900)

7. The following Endangered Species Act condition shall be added to the Permit:

This permit does not authorize any act that results in the taking of a threatened, endangered, or candidate species or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & Game Code, §§ 2050-2097) or the federal Endangered Species Act (16 U.S.C.A. §§ 1531-1544). If a "take" will result from any act authorized under this water right, the permittee shall obtain authorization for an incidental take prior to construction or operation of the project. Permittee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this permit.

(0000014)

CERTIFICATION

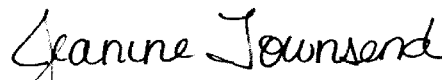
The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the State Water Resources Control Board held on May 6, 2008.

AYE: Chair Tam M. Doduc
Vice Chair Gary Wolff, P.E., Ph.D
Arthur G. Baggett, Jr.
Charles R. Hoppin
Frances Spivy-Weber

NAY: None

ABSENT: None

ABSTAIN: None



Jeanine Townsend
Clerk to the Board

**STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD**

DIVISION OF WATER RIGHTS

**PERMIT FOR DIVERSION AND USE OF WATER
AMENDED PERMIT 20316**

Application 29327 of

**Dieter Siegemund/Siegemund Family Trust
c/o Ron Siegemund
P.O. Box 854
Cloverdale, CA. 95425**

filed on **August 22, 1988**, has been approved by the State Water Resources Control Board (State Water Board)
SUBJECT TO PRIOR RIGHTS and to the limitations and conditions of this permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source of water

Source:

Unnamed Stream

Tributary to:

**Icaria Creek, thence
Russian River**

within the County of **Sonoma**

2. Location of point of diversion

By California Coordinate System of 1983 in Zone 2	40-acre subdivision of public land survey or projection thereof	Section (Projected)*	Township	Range	Base and Meridian
North 2,044,203 feet	NW¼ of SW¼	29	11 N	10 W	MD
East 6,274,391 feet					

3. Purpose of use	4. Place of use	Section (Projected)*	Township	Range	Base and Meridian	Acres
Irrigation	NW¼ of SW¼	29	11 N	10 W	MD	3
Domestic	NW¼ of SW¼	29	11 N	10 W	MD	

The place of use is shown on map filed with the State Water Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 6.4 acre-feet per annum, to be collected from October 1 of each year to April 30 of the succeeding year.
(0000005C)
6. Construction work and complete application of the water to the authorized use shall be prosecuted with reasonable diligence and completed by December 31, 2010.
(0000009)
7. Permittee agrees to provide a fishway for the free passage of fish around the permitted dam and reservoir if it is determined by the Chief of the Division of Water Rights, following notification to the Division of Water Rights by the California Department of Fish and Game, that the dam authorized by this permit has become the only obstruction to anadromous fish migration for at least 1,000 feet upstream of the dam. If the requirement to provide a fishway under this permit term is invoked, then the Permittee, following consultation with the California Department of Fish and Game, shall submit a plan and a time schedule for construction of a fishway for review and approval by the Chief of Division of Water Rights. The plan shall be in accordance with California Department of Fish and Game and National Marine Fisheries Service criteria for construction of fishways. The Permittee shall be responsible for installation, operation, and maintenance of any required fishway in accordance with the plan approved by the Chief of the Division of Water Rights.

If fish passage facilities required under this permit are rendered inoperable for any reason, the Permittee shall notify the Chief of the Division of Water Right within 48 hours, and the diversion of water under this permit shall immediately cease until such time as the fish passage facility is made operable to the satisfaction of the Chief of the Division of Water Rights.

(0000500)

8. For the protection of fish and wildlife, Permittee shall during the period of October 1 through April 30 bypass a minimum of 0.58 cubic feet per second (cfs) as measured directly below the point of diversion. The total stream flow immediately upstream of the point of diversion shall be bypassed whenever the stream flow is less than 0.58 cfs. Outside the period of October 1 through April 30, the total stream flow immediately upstream of the point of diversion shall be bypassed to downstream reaches immediately below the point of diversion.
(0140060)
9. Within six months of the issuance of this order, the Permittee shall submit a Compliance Plan for approval by the Chief of the Division of Water Rights that will demonstrate compliance with the flow bypass terms specified in this permit. The Compliance Plan shall include the following:
 - a) A description of the physical facilities (i.e., outlet pipes, siphons, pipelines, bypass ditches, splitter boxes, etc.) that will be constructed or have been constructed at the project site and will be used to bypass flow.
 - b) A description of the gages and monitoring devices that will be installed or have been installed to measure stream flow and/or reservoir storage capacity.
 - c) A time schedule for the installation of these facilities.
 - d) A description of the frequency of data collection and the methods for recording bypass flows and storage levels.
 - e) An operation and maintenance plan that will be used to maintain all facilities in good condition.

The Permittee shall be responsible for all costs associated with developing the Compliance Plan, and installing and maintaining all flow bypass and monitoring facilities described in the Compliance Plan.

The monitoring data shall be maintained by the Permittee for ten years from the date of collection and made available to the Chief of the Division of Water Rights, upon request.

Any non-compliance with the terms of the permit shall be reported by the Permittee promptly to the Chief of the Division of Water Rights.

Diversion and use of water prior to approval of the Compliance Plan and the installation of facilities specified in the Compliance Plan is not authorized.

(0000070)

10. Permittee shall not use water under the basis of riparian right on the place of use authorized by this permit.

(0560300A)

11. Permittee shall install an in-line flow meter, satisfactory to the Chief of the Division of Water Rights, that measures the instantaneous rate and the cumulative amount of water withdrawn from the reservoir. This in-line flow meter must be maintained in operating condition as long as water is being diverted or used under this permit. Permittee shall maintain a record of the end-of-the-month meter readings and of the days of actual diversion, and shall submit these records with annual progress reports and whenever requested by the Division of Water Rights.

(0100900)

ALL PERMITS ISSUED BY THE STATE WATER RESOURCES CONTROL BOARD ARE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

- A. The amount authorized for appropriation may be reduced in the license if investigation warrants.

(0000006)

- B. Progress reports shall be submitted promptly by Permittee when requested by the State Water Resources Control Board (State Water Board) until a license is issued.

(0000010)

- C. Permittee shall allow representatives of the State Water Board and other parties, as may be authorized from time to time by said State Water Board, reasonable access to project works to determine compliance with the terms of this permit.

(0000011)

- D. Pursuant to California Water Code sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the State Water Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of Permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to accurately determine water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this

paragraph unless the State Water Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the State Water Board also may be exercised by imposing further limitations on the diversion and use of water by the Permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the State Water Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest; and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

- E. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Board if, after notice to the Permittee and an opportunity for hearing, the State Water Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the State Water Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

(0000013)

- F. This permit does not authorize any act that results in the taking of a threatened, endangered, or candidate species or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish & Game Code, §§ 2050 - 2097) or the federal Endangered Species Act (16 U.S.C.A. §§ 1531 - 1544). If a "take" will result from any act authorized under this water right, the Permittee shall obtain authorization for an incidental take prior to construction or operation of the project. Permittee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this permit.

(0000014)

- G. Permittee shall maintain records of the amount of water diverted and used to enable the State Water Board to determine the amount of water that has been applied to beneficial use pursuant to Water Code section 1605.

(0000015)

- H. No work shall commence and no water shall be diverted, stored or used under this permit until a copy of a stream or lake alteration agreement between the State Department of Fish and Game and the Permittee is filed with the Division of Water Rights. Compliance with the terms and conditions of the agreement is the responsibility of the Permittee. If a stream or lake agreement is not necessary for this permitted project, the Permittee shall provide the Division of Water Rights a copy of a waiver signed by the California Department of Fish and Game.

(0000063)

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This permit is issued and Permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every Permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefore shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any Permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any Permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

STATE WATER RESOURCES CONTROL BOARD

James W. Kassel
for Victoria A. Whitney, Chief
Division of Water Rights

Dated: **MAY 16 2008**

STATE OF CALIFORNIA

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 20316Application 29327 of Bruce Reuser320 Hiatt Road, Cloverdale, CA 95425filed on August 22, 1988, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

Unnamed StreamIcaria Creek thenceRussian River

2. Location of point of diversion:

	40-acre subdivision of public land survey or projection thereof	Section	Town- ship	Range	Base and Meridian
North 2,200 feet and East 300 feet from the SW corner of Section 29	NW $\frac{1}{4}$ of SW $\frac{1}{4}$	29	11N	10W	MD

County of Sonoma

3. Purpose of use:	4. Place of use:	Section	Town- ship	Range	Base and Meridian	Acres
Domestic						
Irrigation	NW $\frac{1}{4}$ of SW $\frac{1}{4}$	29	11N	10W	MD	3

The place of use is shown on map filed with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 6.4 acre-feet per annum to be collected from October 1 of each year to April 30 of the succeeding year. (0000005)

This permit does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose. (000005I)

6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)

7. Construction work shall begin within two years of the date of this permit and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked. (0000007)

8. Construction work shall be completed by December 31, 1992. (0000008)

9. Complete application of the water to the authorized use shall be made by December 31, 1993. (0000009)

10. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued. (0000010)

11. Permittee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (0000011)

12. Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust. (0000012)

13. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges. (0000013)

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: APRIL 03 1989

STATE WATER RESOURCES CONTROL BOARD

Walter G. Pettit
Chief, Division of Water Rights